



**TOWN OF TEWKSBURY  
CONSERVATION COMMISSION  
999 Whipple Road  
Tewksbury, MA 01876**

Anthony Ippolito, Chairman  
Carolina Linder, Vice-Chair  
Stephen Deackoff, Clerk  
Dennis Sheehan  
Jonathan Parker

**MEETING MINUTES  
August 13, 2014**

The meeting was called to order at 7:00 p.m. by Stephen Deackoff, Chairman at the Pike House (temporary town hall). In attendance were Anthony Ippolito, Dennis Sheehan, Carolina Linder, and Jonathan Parker. Also in attendance was Kyle Boyd, Conservation Agent, and Melissa Johnson, Recording Secretary.

**Reorganization of Commission**

**Chairman**

Mr. Deackoff opened the nominations for Chairman.

**MOTION:** Mr. Ippolito made the motion to nominate Anthony Ippolito as Chairman of the Conservation Commission; seconded by Ms. Linder and the motion carried 5-0.

**Vice Chairman**

Mr. Ippolito opened the nominations for Vice Chairman.

**MOTION:** Ms. Linder made the motion to nominate Carolina Linder as Vice Chair of the Conservation Commission; seconded by Mr. Sheehan and the motion carried 5-0.

**Clerk**

Mr. Ippolito opened the nominations for Clerk.

**MOTION:** Mr. Ippolito made the motion to nominate Stephen Deackoff as Clerk of the Conservation Commission; seconded by Mr. Sheehan and the motion carried 5-0.

## **Approval of Meeting Minutes - July 23, 2014**

**MOTION:** Mr. Deackoff made the motion to approve the July 23, 2014 meeting minutes as presented; seconded by Mr. Sheehan and the motion carried 5-0.

**A) Request for Certificate of Compliance, 1073 Shawsheen Street, Map 100, Lot 86, DEP #305-215**

Present was Attorney James Haroutonin of Billerica, MA. Attorney Haroutonin noted that he represented the former owner of this property and explained that there were two old Orders that were immediately successive (#305-215 and #305-216) that applied to the address of 1073 Shawsheen Street, but Lots 3 & 4 and Lots 7 & 8. Attorney Haroutonin explained that they were really dealing with Lot 10 at the closing, however, the Attorney for the closing wanted to clean everything up. Since the 1986 Orders, Attorney Haroutonin's client purchased the property and new Orders were issued in 2012. Attorney Haroutonin noted that his client has complied with the Orders.

Mr. Ippolito noted that he and Mr. Boyd visited the site and everything appears to be in order.

Mr. Boyd asked if both conditions are outstanding and Attorney Haroutonin confirmed this.

**MOTION:** Mr. Deackoff made the motion to grant Certificates of Compliance for 1073 Shawsheen Street, Map 100, Lot 86, DEP #305-215 recorded at the Middlesex North Registry of Deeds, Book 3662, Page 27, and DEP#305-216 recorded at the Middlesex North Registry of Deeds, Book 3662, Page 31; seconded by Mr. Sheehan and the motion carried 5-0.

**B) Enforcement Order, Atillio Dispersio, Jr., 1275 Shawsheen Street, Map 101, Lot 76**

Present was Robin Dispersio of 1275 Shawsheen Street. Mrs. Dispersio explained that typically she is represented by Norse Environmental Services; however, there was a scheduling conflict and they were unable to attend tonight's meeting. Mrs. Dispersio noted that Steve Erickson of Norse Environmental said he sent an email to Mr. Boyd today. Mr. Boyd noted that he was not in the office all day, but he did speak with Mr. Erickson who informed him that a plot plan had been done that shows the area of fill and the wetland lines. Mr. Erickson has recommended sloping the fill to a 2 to 1 slope and stabilizing the slope with the fence at the no disturb zone. Mrs. Dispersio noted that they will not be installing the chain link fence as they would prefer a privacy fence.

Mrs. Dispersio noted that it is her understanding that there are no wetlands in the area that was filled. Mr. Boyd explained that Mr. Erickson stated that he had looked at historical photos and there were no wetlands depicted on the property. However, the

wetlands are being delineated at the very bottom of the slope with Mr. Ericksen not knowing if the wetlands continue past the slope because this cannot be determined due to the fill.

Mr. Ippolito noted that he visited the site with Mr. Boyd and asked if Mr. Deackoff has an update on this matter as he has taken on working with the property owners. Mr. Deackoff noted that he met with Mrs. Dispersio approximately 1 month ago and was informed that she would be working with Norse Environmental to determine a plan of action; however, to date, he has not see a plan. Mr. Boyd noted that Mr. Ericksen did submit a plan to the office and provided the plan to the Commission members. Mr. Deackoff noted that the plan is dated July 28, 2014 and revised on August 7, 2014. Mrs. Dispersio showed the Commission the plan that was emailed to her by Mr. Ericksen on her tablet.

Mr. Ippolito asked if any plan of action can be submitted this evening. Mrs. Dispersio explained that they can push the dirt back 10 to 15 feet, slope the area, and begin the loaming and seeding. Mrs. Dispersio explained that at this point this is all they have the funds to do. Ms. Linder asked if Mr. Ericksen is using the edge of fill as the edge of the wetlands and Mr. Boyd confirmed this. Mr. Boyd noted that, in his opinion, the dirt should be brought back 10 to 15 feet to help determine if there are any wetlands in the area as currently it cannot be confirmed.

Mr. Ippolito suggested a plan of action be submitted in writing for the next meeting on September 3, 2014.

Mr. Deackoff noted that the plan that was provided tonight is of existing conditions and does not show any of the proposed work.

Mr. Boyd suggested the all of the fill be brought back 25 feet per the town's bylaw.

**MOTION: Mr. Deackoff made the motion to amend the Enforcement Order, Atillio Dispersio, Jr., 1275 Shawsheen Street, Map 101, Lot 76, all fill should be brought back to the 25 foot no disturb and a 2 to 1 slope shall be established; seconded by Mr. Sheehan and the motion carried 5-0.**

**C) Notice of Intent, Tewksbury Cemetery Corp., 192 East Street, Map 61, Lot 54, DEP #305-970**

Present was Jeff Ryder of Cuoco & Cormier and the Superintendent of the Cemetery as well as some of the Trustees. Mr. Ryder explained that they are proposing to add 57 grave sites to the cemetery on East Street and noted that there is a brook in the area. As a result, they are within the 200 foot river protection area. Mr. Ryder explained that all work will be done outside of the 100 riverfront buffer and 50 foot wetland line. They are proposing straw waddles completely around the site. Mr. Ryder noted that there is a small amount of pavement (less than 500 square feet) that is also being proposed for an access

road. There will be 2 four bays set in series to treat any of the pavement runoff that will discharge into an infiltration basin.

Mr. Boyd explained that he ran the waiver request by the Town Engineer and he did not feel there would be a negative impact on the resource area. Mr. Boyd noted that the applicant has also provided an alternative analysis as required in a riverfront area.

It was the consensus of the members that this is a necessary project.

**MOTION:** Ms. Linder made the motion to approve Notice of Intent, Tewksbury Cemetery Corp., 192 East Street, Map 61, Lot 54, DEP #305-970; seconded by Mr. Sheehan and the motion carried 5-0.

Mr. Ippolito noted that he inadvertently did not open the hearing to the public.

**MOTION:** Mr. Ippolito made the motion to accept the public hearing portion as is; seconded by Mr. Sheehan and the motion carried 5-0.

**D) Request for Certificate of Compliance, Mark J. Corbett, Esq., North Billerica Road, Map 3, Lot 56, DEP#305 512**

Present was Attorney Mark Corbett, Cambridge, MA. Attorney Corbett explained that this property is located on North Billerica Road and is now known as Meadowlands Court. The subdivision was completed in 1995. Attorney Corbett explained that, after doing some research with Mr. Boyd, they determined that there had been a previous request for a certificate however no one ever showed to accept it.

Mr. Boyd explained that there was a letter submitted from a surveyor stating all of the work was done in compliance with the plan and an as built was submitted. Mr. Boyd noted that he also visited the site and it appears to be in order.

**MOTION:** Ms. Linder made the motion to issue a Certificate of Compliance, Mark J. Corbett, Esq., North Billerica Road, Map 3, Lot 56, DEP #305-512; seconded by Mr. Parker and the motion carried 5-0.

**E) Request for Determination of Applicability, Mass DOT, Interstate 495**

Present was Renata Welch of Mass DOT. Ms. Welch explained that Mass DOT would like to request a negative determination for a traffic sign replacement project along Interstate 495. The entire project starts in Lowell and ends in Haverhill. There are two locations in Tewksbury that are within wetland jurisdictional areas; both of which are riverfront: Trull Brook riverfront and waterways on the southbound side associated with Trull Brook. Ms. Welch explained that they do not anticipate any impact to the wetland areas as a result of the project and explained that they typically install the foundations next to the existing foundation and will also install the necessary erosion controls.

**MOTION:** Ms. Linder made the motion for a negative determination, Mass DOT, Interstate 495; seconded by Mr. Sheehan and the motion carried 5-0.

**F) (Continued) Notice of Intent, Steve Cox, 1 Radcliff Road, Map 5, Lot 25, DEP #305 966**

Mr. Boyd noted that the applicant has requested this matter be continued.

**MOTION:** Mr. Ippolito made the motion to continue Notice of Intent, Steve Cox, 1 Radcliff Road, Map 5, Lot 25, DEP #305-966 to September 3, 2014 at 7:02 p.m.; seconded by Ms. Linder and the motion carried 5-0.

**G) Enforcement Order, Robert Kowalchik, 2532 Main Street, Map 94, Lot 66**

Present was Robert Kowalchik. Mr. Kowalchik explained that since he last appeared before the Commission he closed his business due to an illness with his mother. There have been no repairs or customer business since that time. Mr. Kowalchik explained that the only activity being done on the site has been working on his truck and removing some of the things on the property that do not need to be there. Mr. Kowalchik noted that he has been working with the Board of Health and Mr. Boyd and will put together a plan. Mr. Kowalchik stated that once he received the enforcement order he removed all of the debris from the 25 foot area.

Mr. Boyd noted that not all of the debris within the 25 foot has not been removed and very little progress has been made on this. Mr. Boyd noted that progress must be seen and something must be done.

Mr. Ippolito noted that he is not happy at all as no progress has been made and a fire has since occurred on the property. Mr. Ippolito has visited the site 3 or 4 times and action must be taken now as nothing has been done. Mr. Ippolito requested a plan of action be submitted immediately to get this done as soon as possible.

**MOTION:** Ms. Linder made the motion to amend the enforcement order, Robert Kowalchik, 2532 Main Street, Map 94, Lot 66, a plan of action shall be submitted by August 28, 2014 and Mr. Kowalchik shall appear at the September 3, 2014 meeting; seconded by Mr. Sheehan and the motion carried 5-0.

**H) Enforcement Order, Brian MacNeill, 10 Cooney Road, Map 25, Lot 5**

Mr. Ippolito noted that the MacNeill's are not present; however, the abutters are. Mr. Boyd noted that the homeowner's have been working with Norse Environmental Services who was unable to attend tonight's meeting; however, they did not mention anything to Mr. Boyd regarding this matter.

Present was Kathy Mendonca and Kristine Jarvis of 1066 Andover Street. Ms. Mendonca noted that Mr. MacNeill has taken it upon himself to continue to do work without the Commission's approval and has planted all of the bordering vegetation to his own design, in the dark, and also installed more plumbing. Ms. Mendonca feels the Commission allowing the garden was a mistake and expressed issues with the way this matter is being handled.

Mr. Ippolito noted that he visited the site with Mr. Boyd and they saw the additional plumbing work, garden, etc. Mr. Ippolito explained that unfortunately the MacNeill's are not present to address this and suggested continuing the matter to September 3, 2014. Ms. Mendonca expressed concerns with the plantings having already been done and the next meeting being almost a month away. Mr. Boyd apologized to Ms. Mendonca and explained that in the future the Commission should specify what course of action needs to be taken and noted that it would not hurt for the Commission to have its own independent wetland scientist view the property. Ms. Jarvis noted that there was some discussion at the previous meeting regarding a list of acceptable wetland plantings. Ms. Jarvis noted that the MacNeill's have planted 13 linear feet of fruit trees.

Mr. Boyd noted that there are bushes that were also weed wacked that should not have been and this needs to stop.

**MOTION: Mr. Deackoff made the motion to continue the Enforcement Order for Brian MacNeill, 10 Cooney Road, Map 25, Lot 5, to September 3, 2014 at 7:10 p.m.; seconded by Mr. Sheehan and the motion carried 50.**

## **Old Business**

### **Identification Badges:**

Mr. Ippolito suggested the members go to the Police Station to obtain their identification badges for site visits. Discussion took place on site visits and properly notifying the homeowner's prior to visiting the site.

### **New Business**

Mr. Boyd noted that the Community Preservation Committee (CPC) Conservation Commission appointee needs to be renewed. Currently, Mr. Deackoff serves as the Commission's representative. It was the consensus that Mr. Deackoff remain as the Conservation Commission representative to the CPC.

Discussion took place on the Wetland handout provided by Ms. Linder. Ms. Linder noted that the handout is a compilation of surrounding communities as well as the message the Commission has been trying to get out.

Mr. Ippolito noted that the cover states “Wetland and Tewksbury Homeowner” and Mr. Deackoff suggested “land owner” or “property owner” instead of homeowner. It was the consensus to change “homeowner” to “property owner”.

Discussion took place on whether “Planning a home project” should be changed to “Planning a Project”. It was the consensus to change this to “Planning a Project”.

Mr. Ippolito asked how the handout will be distributed. Ms. Linder recommended Mr. Boyd attach the handout to project applications, post it on town bulletins boards, the town website, Home Depot, etc.

### **Administrator’s Report**

None.

***Approved: September 3, 2014***

*List of documents for 8/13/14 Agenda*

*Documents can be located at the Community Development Office*

- 7:02 P.M Request for Certificate of Compliance, 1073 Shawsheen Street, Map 100 Lot 86
- *WPA Form 8A Request for Certificate of Compliance*
- 7:04 P.M Enforcement Order, Atillio Dispersio Jr. , 1275 Shawsheen Street, Map 101 Lot 76
- *Email from Robin Dipersio dated 7/16/14*
  - *Enforcement Order dated 4/16/14*
- 7:05 P.M Notice of Intent, Tewksbury Cemetery Corp, 192 East Street, Map 61 Lot 54, DEP # 305-970
- *Notice of Intent Packet & WPA Form 3*
  - *Site Plan dated June 23, 2014*
  - *Drainage Calculations dated July 21, 2014*
- 7:07 P.M Request for Certificate of Compliance, Mark J. Corbett., Esq., North Billerica Road, Map 3 Lot 56, DEP # 305-512
- *WPA Form 8A Request for Certificate of Compliance*
  - *Request for Certificate of Compliance Request letter dated September 23, 1997*
- 7:09 P.M Request for Determination of Applicability, MassDOT, Interstate 495
- *WPA Form 1 Request for Determination of Applicability*
  - *Submittal letter from Paul Stedman dated July 15, 2014*
- 7:11 P.M (Continued) Notice of Intent, Steve Cox, 1 Radcliff Road, Map 52 Lot 25, DEP # 305-966
- *Continuance request dated 8/6/14*
- 7:13 P.M Enforcement Order, Robert Kowalchik, 2532 Main Street, Map 94 Lot 66
- *Field photos taken at 2532 Main Street dated 5/14/14*
  - *Enforcement Order dated 5/14/14*